

**CLARK COUNTY PLANNING COMMISSION  
MINUTES OF PUBLIC HEARING  
THURSDAY, MARCH 23, 2006**

City Hall Council Chambers  
210 East 13<sup>th</sup> Street  
Vancouver, WA

6:30 p.m.

**CALL TO ORDER**

The public hearing of the Clark County Planning Commission was called to order at 6:30 p.m. by Vice Chair, Dick Deleissegues. The hearing was held at the City Hall Council Chambers, 210 East 13<sup>th</sup> Street, Vancouver, Washington.

**ROLL CALL**

Members Present: Dick Deleissegues, Vice Chair; Jada Rupley, George Vartanian, Milada Allen, Ron Barca, and Lonnie Moss.

Members Absent: Jeff Wriston, Chair.

Staff Present: Bob Higbie, Planning Program Manager; Laurie Nicholson, Planner II; and Gordy Euler, Planner III.

Other: Cindy Holley, Court Reporter.

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for March 23, 2006**

The agenda for March 23, 2006, was approved as distributed.

**B. Approval of Minutes for January 19<sup>th</sup>**

It was **MOVED** by George Vartanian and **Seconded** by Lonnie Moss to **APPROVE** the Minutes of January 19, 2006. **MOTION WAS APPROVED** by unanimous voice vote of all members present.

**C. Communications from the Public**

None.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**

**A. Amend Clark County Code 40.240, Columbia River Gorge National Scenic Area Districts:**

The Planning Commission will consider an amendment to Clark County Code 40.240 Columbia River Gorge National Scenic Area Districts dealing with Special Uses in Historic Buildings.

**Staff Contact: Gordy Euler (360) 397-2375, Ext. 4968**

DELEISSEGUES: Oh, we got Ron, Ron Barca is arriving let the record show.

(Commissioner Barca entered the hearing.)

MOSS: A guy can't even be 30 seconds late anymore.

DELEISSEGUES: That's right. We'll dock his pay. We'll start with the public hearing Item A, Amend Clark County Code 40.240, Columbia River Gorge National Scenic Area. Do we have a staff report?

EULER: Yes, we do, Mr. Chairman. For the record I'm Gordy Euler, Clark County Long-Range Planning. I'd also like to introduce tonight Brian Litt who is here from the Gorge Commission and can answer any technical questions sort of about the wherefore and the why of this ordinance.

The County's undertaken with the assistance of the Gorge Commission a major rewrite of Chapter 20, excuse me, Chapter 40.240, the Columbia River Gorge National Scenic Area Ordinance, and we're not quite there yet in terms of finishing that, there were a couple of outstanding issues that were brought before you I believe in November or early November. In November the Gorge Commission adopted a new section of the management plan dealing with special uses in historic buildings and we thought rather than engage in two separate processes, with the permission of the Gorge Commission we've folded in that new section on special uses in historic buildings to the overall ordinance; however, because it amends Title 40 and it's a land use regulation, the advice was to bring this section back to the Planning Commission before we took the entire ordinance to the Board.

So before you tonight you have the language that deals with special uses in historic buildings. We've done a little bit of reconnaissance, determined that there are in the Columbia Gorge Scenic Area portion of Clark County there are no structures that are listed on the National Historic Register, which is one of the criteria, and there are five structures that could be eligible to be listed and which this within people, the owners, could take advantage of this particular provision. So that is basically the staff report.

RUPLEY: Gordy, when you say eligible for listing, then what happens next if they then become listed? So quick. You gave up so quickly.

EULER: Yeah, I did.

LITT: Okay. I guess I'm -- I think I'm in the right place.

EULER: Sure.

LITT: Okay. Good evening, Commissioners, members of the public. The management plan is --

DELEISSEGUES: Excuse me, just for the record could you state your name and address.

LITT: Oh, I'm sorry. Yeah, okay. I'm Brian Litt and I'm a Senior Planner of the Columbia River Gorge Commission. The management plan for the Gorge Scenic Area basically treats any building that's either on the National Register or is eligible for inclusion in the National Register as a significant historic resource and of course part of our charge in the scenic area is to protect cultural resources and historic buildings are a big part of that. So these guidelines are basically intended to provide economic incentives for adaptive uses of these historic buildings to encourage their rehabilitation, preservation, et cetera.

Your specific question about what happens once a building's listed on the National Register, it's basically like an honorary designation and it doesn't bring with it additional regulations or restrictions, but if a building is on the National Register, then if the owner wants to do alterations to it, you know, then they have to go through certain procedures.

RUPLEY: Okay. Thanks.

DELEISSEGUES: Is there any other questions of staff?

EULER: I might add that after Brian reviewed the draft we put together, we found a couple of places where the references weren't correct and so you have in front of you a new Attachment 1 which was the attachment to the staff report with some areas that are shaded in gray and this is the essentially a substitute. So that's what you have before you. And there are extra copies up here for anybody in the audience that would like a copy.

DELEISSEGUES: Okay, go ahead, George.

VARTANIAN: Just in cases of historic buildings, let's say some like a tavern or something like that, if it reopens as a tavern or a restaurant do they have to be brought up to current code as far as certain health standards are concerned or plumbing and wherever else?

EULER: Yes, it would have to meet the Clark County Building Code so.

VARTANIAN: Yeah. Okay. But the use is still okay?

EULER: Yeah.

VARTANIAN: Okay. Thank you.

EULER: As long as they meet the criteria for either being on the list or being eligible to be on the list, that's correct.

VARTANIAN: Thank you.

DELEISSEGUES: Any other questions?

ALLEN: May I? In a couple of these references on Page 4 it states "except Open Space and Agriculture-Special." Why are these excepted?

LITT: The open space and agriculture designations are they're very special land use designations that

really cover only the most pristine areas of the Gorge that don't really have any development on them, steep slopes, wetlands and things like that, and so those are basically areas where there really is no significant structural development or improvements and the emphasis of the plan is on preservation of the natural resources and the scenic resources. I don't believe there's any agriculture special designation in the scenic area portion of Clark County, there is some land designated open space around the Steigerwald National Refuge, National Wildlife Refuge.

ALLEN: I was just wondering if there was a historic farmhouse or historic farming operation that was housed in the historic building?

LITT: Generally when the Commission did the land use designations one of the things that the Act gave us was a definition of open spaces and is basically defined as unimproved land and so if we had an area where there was a farmstead, it was generally not designated open space.

ALLEN: Thank you.

LITT: You bet.

DELEISSEGUES: Any other questions? Is there any people in the audience that wish to testify on this topic? Okay. Seeing none, we'll return it to the Planning Commission.

VARTANIAN: I don't have any comments on it.

DELEISSEGUES: Lonnie.

MOSS: No.

DELEISSEGUES: How about you, Ron?

ALLEN: I have one.

DELEISSEGUES: Milada, go ahead.

ALLEN: On Page 5, Item 7, it talks about "land use approvals for special uses in historic buildings shall be subject to review by the local government every five years from the date the original approval was issued." What if there's a violation during that five years, wouldn't they have to be re-reviewed again during that period?

EULER: What do you mean by "a violation"?

ALLEN: If for some reason there were -- I mean here's a period of five years, what if there's a problem, wouldn't it have to be revisited again during that five years? I mean you wouldn't wait until five years --

EULER: But what kind of a problem, a building problem, it burns down? I mean what's --

ALLEN: Anything that would deal with this particular Item Number 7.

EULER: The designation would be a land use permit just like any other land use permit or building permit.

If there was some instance of the code being violated, it would be a normal due process that would take care of the issue.

ALLEN: So the applicant shall submit to the responsible official documentation on the progress?

EULER: That's correct. Essentially it's a land use permit to establish one of these facilities that's reviewable every five years.

ALLEN: But if there was a problem with the progress during that five years that that particular period runs with the original approval, if there was a problem within that five years, they wouldn't have to wait until five years to submit to you --

EULER: No.

ALLEN: -- correction to that, it will be immediate?

EULER: That's correct.

DELEISSEGUES: Any other comments or --

MOSS: Yeah, I'm just not -- Gordy, if we could, I'm a little confused by the staff report and I'm not sure what we're being asked to do tonight. I certainly understand that it's to recommend the adoption of the language on special uses, but what about 390, where are we with that? And I'm talking about consolidation of lots. Are we being asked to recommend approval of this language?

EULER: Two separate issues. You've already made a recommendation as a Planning Commission to the Board on consolidation of lots and that's part of the ordinance that's sort of been in abeyance while we've worked with the Gorge Commission to try and figure out a way out of that dilemma.

MOSS: Yes.

EULER: That's the rest of the ordinance that you've already seen. In the interim the Gorge Commission adopted the language dealing specifically with this topic and so we're bringing specifically this topic before you to make a recommendation. The Gorge Commission has asked in a letter to the Board that we adopt language in our ordinance, before we can do that it has to go to the Planning Commission and the Board. So this section essentially is playing catch up with everything else you've already seen.

Now with regard to the consolidation of lot issue, the vested rights issue and the discontinuance of uses, the Board has indicated that they want those the language brought forward as was proposed and we've got -- there's a hearing date I believe is May 2nd to consider the entire ordinance hopefully including whatever recommendation you make on this language tonight.

MOSS: Okay.

DELEISSEGUES: So tonight we're only talking about language on special uses in historic buildings?

EULER: That's correct.

DELEISSEGUES: Any other questions or discussion? A motion?

VARTANIAN: I **MOVE** that we **approve** the staff report and the 40.240.310, special uses in historic buildings, Attachment 1 language and pass it along to the Board of County Commissioners with the approval of the Planning Commission.

DELEISSEGUES: Second?

MOSS: **Second.**

DELEISSEGUES: Okay. It's moved and seconded that we recommend approval to the County Board of Commissioners for the language of special uses in historic buildings, amendment to Clark County Code Chapter 40.240, Columbia River Gorge National Scenic Area Districts Ordinance. All in favor. Oh, wait, excuse me, roll call.

### **ROLL CALL VOTE**

MOSS: AYE  
BARCA: AYE  
ALLEN: AYE  
VARTANIAN: AYE  
RUPLEY: AYE  
DELEISSEGUES: AYE

### **PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

**B.** The Board of Commissioners passed Ordinance 2004-09-02 on September 7, 2004 (Comprehensive Plan and Zoning Map Adoption), rezoning certain properties from Light Manufacturing (ML) to Business Park (BP) in the unincorporated area of the Vancouver Urban Growth Boundary. The Board rezoned a number of those BP zoned parcels back to ML by emergency ordinance in 2005. The remainder of those BP zoned parcels are also being considered for rezoning to ML at this hearing.

The purpose of this hearing is to forward a recommendation to the Board of County Commissioners confirming the rezoning decisions made by the Board through adopted emergency ordinances and also to consider whether to change the zoning from BP to ML for the properties identified (listed below by property serial number) as part of this notice. This list includes all properties being considered, as well as those rezoned to BP by emergency ordinance in 2005:

117894722	199392000	99766000	149228000	107888000	158882000	149156000
117894723	199393000	144493000	149247000	107736000	158898000	149165000
117894724	199430000	149129000	149266000	158899000	158898000	149166000
117894726	199473000	149132000	149285000	158899000	159111000	149168000
182142010	119460000	162111000	156424000	181941000	159164000	149268000
185666000	198596000	107737000	144527000	181946000	149311000	119590001
185777000	119510000	107760000	99762000	181980000	149318000	119590002
185843000	199390000	107900000	149274000	182140000	149330000	119590004

185844000	199396000	107906000	149276000	182142015	601645000	119590006
185845000	199461000	107930000	149271000	182159000	107921000	199071000
182153000	119480000	107941000	149272000	185470000	158350000	99665000
182139000	119500000	107962434	149284000	185488000	158409000	99761000
117894688	119540000	107962436	99710000	185513000	107910000	99763000
181921000	119550000	107962438	99726000	185521000	158352000	99764000
185669000	119582000	107962440	99727000	185664000	158419000	99765000
185698000	119590008	158333000	99729001	185721000	107887000	162114000
185741000	198592000	158345010	99730000	185738000	199442005	
185746000	198604000	158348006	99731000	185776000	199443000	
185747000	199380000	158370000	99740000	119490000	199444000	
185749000	199382000	158386000	99746000	119590000	199445000	
181923000	199383000	158402000	99747000	199428000	199450000	
185707000	199385000	158402005	99749000	199432000	199462000	
185665000	199389000	158402010	99750000	199438000	199466000	
185751000	199394000	158411000	99760000	199441000	199467000	
181925000	199404000	158412000	144524000	199441005	199468000	
181928000	199416000	158882000	148677000	199442000	199477000	

**Staff Contact: Bob Higbie, (360) 397-2375, Ext. 4112 or Laurie Nicholson, (360) 397-2375, Ext. 4544.**

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DELEISSEGUES: Okay. Then we'll move on to Item B, Ordinance 2004-09-02 which was passed by the Board of County Commissioners on September 7th, 2004, rezoning certain properties from light manufacturing, ML, to business park in the unincorporated areas of Vancouver urban growth boundary. Do we have a staff report?

HIGBIE: Bob Higbie with Long-Range Planning. This issue of business park zoning has been in workshops with the Planning Commission at least twice over the last six months or so. The first time we came to you the Board of Commissioners had adopted two or three emergency ordinances rezoning a number of business park zoned properties back to ML. At that first meeting with you we talked about how to evaluate the remainder of the land that was zoned business park and whether or not it should remain business park or go back to ML.

At that point the Board, the Planning Commission had some discussions about important criteria that came up with the main criteria they felt would be economic criteria so we went forward, hired a consultant who prepared a series of criteria that we brought to you in a second workshop and that is also in your packet and we used that criteria which you had tentatively agreed to along with several other criteria that we added that we felt were important like whether the land was -- the property was spot zoned and that kind of criteria is also located in your packet. We prepared a list of all the tax lots and they are in your packet on a larger series of spreadsheets and we listed all the criteria along the top of the matrix and then under those criteria we listed whether or not we felt yes or no that that specific tax lot met that specific criteria.

At the end of the day we came up with a list of recommendations which are shown on the four maps in your packet and I'd like to go through them rather quickly. But before I do I'd like to say that the original decision on making the land zoned business park in the first place was based on a single review if the land

was designated as tertiary industrial land on the industrial vacant and buildable lands analysis, then it was rezoned to business park. There was no further consideration as to whether the land had been developed in some other use, if there was a pending site plan, a lot of other criteria that could have been used to do a better evaluation. We think we've done that work now and we're bringing that back to you with these recommendations.

For a point of clarification, on Page 1 of the staff report we've introduced a couple of clarifications on the criteria that were used in the original determination of what is secondary and tertiary land criteria and basically it deals with the amount of wetland that would be on a given piece of property. In any event, so we were looking at and are looking at tertiary land which is land that's heavily impacted by wetlands. Now there's about 7 -- we started with about 764 acres that were rezoned as part of the plan in September of 2004. On Map 1, that particular map shows in the dark blue the lands that we're recommending stay business park with one exception which I'll -- one correction that I'll point out to you later, the blue is light industrial and we're recommending remain light industrial. The lands that are outlined in red were lands that were rezoned by the Board through emergency ordinances before we began this evaluation with the new criteria.

And on Map 1 you can see there's a curved road right-of-way that doesn't really exist anymore that separates the two, the business park, the dark blue, land basically in half. After we sent out our notices to all the property owners, one of the property owners that owns one of the tax lots, there's three of them up here, he owns one in the center, pointed out that there had been a site plan approved or at least applied for under the old ML zone on the southerly lot just north of that right-of-way. Given that action and the fact that the center parcel is being applied for as a mini storage, we felt that all the land north of that right-of-way should be rezoned to ML. So that's the one correction, all that land should change from dark blue to light blue and be rezoned to ML. The property south of that right-of-way should remain business park.

BARCA: Gordy, before you go on would you please clarify, I'm sorry, Gordy's gone, it's Bob now.

HIGBIE: I've been called worse.

BARCA: Interchangeable -- yeah, you responded as if you were Gordy so I was just going to keep going. We have two sets of maps, one's labeled "Owner Requests" and the other one's "Staff Recommendation."

HIGBIE: I'm doing the staff recommendation ones.

BARCA: Yeah, and I recognize that as the colors are different, but I would like you just to give us an overview of the owner request maps and how they played or what role they played in the staff decision-making, please.

HIGBIE: It depended a fair amount on when their requests were made. If they were made before the project left the Board, left the Board of Commissioners' hands, there was a date I believe in June of last year people could have applied or requested and received an emergency ordinance rezone back to ML up until that point. Letters that came in after that point didn't get that kind of special treatment, we looked at each of those properties based on the new criteria.

And I guess maybe I ought to talk about the new criteria. The fundamental -- the basic criteria that the economist proposed was, one, if it's to be business park it should be visible from and have access to major



arterial roadways. Business parks, office complexes and that sort of thing like to have visibility from the traveling public and like to locate near those kind of facilities. Second, if the existence of the wetlands was looked at as a more of a plus for business park than it was for industrial because business park type uses have the ability to work around a wetland and incorporate it into the design of the development more so than an industrial development might have. And also was there enough area, a large enough area, to make that land as a business park, a reasonable size of land, we didn't have any cutoff, but I think you'll see from the recommendations that we're making that we tried to have at least a fair amount of land under that designation or we were recommending it go back to ML. For the ML, for the ML to from the business park to go back to ML there were a lot of factors. A lot of the land was not visible from major streets, nor did it have access to major streets. A lot of that land was already either developed or it had industrial development in, near and around it, and I'll go through some of the specific cases with you on these maps.

And so I guess the bottom line is is that most of the land that had been zoned BP we are recommending go back to ML and that those that we're recommending stay BP I think you'll see the logic when I talk about them. Or at least you'll see the reasons, you may not see the logic. So on Map 1 -- does that answer your question?

BARCA: Yes. Thank you, Bob.

HIGBIE: On Map 1 that therefore the only land that we're recommending retain the BP zoning is the land south of that curving right-of-way located in the middle of the map. All the other land in blue, light blue, is recommended to go back to light industrial. On Map 2 --

DELEISSEGUES: Bob, are you okay with some questions as you go along?

HIGBIE: Yes. Yes, sir.

DELEISSEGUES: I think George has one.

VARTANIAN: Yeah, I'm sorry, Bill. Can you put the last map up again. I'm sorry. Right in that just I guess south of that curving road that you indicated there's a white piece of property sort of sandwiched by the BP zone and next to an ML zone, what is that?

HIGBIE: That is currently zoned. It's currently zoned ML.

VARTANIAN: And staying that way?

HIGBIE: And it's staying ML. And I believe there's some kind of an activity on it.

VARTANIAN: Okay. And the other thing is you indicated that some of these properties were wanting to use their properties for storage I think you said?

HIGBIE: Yes. This piece right here has a site plan in for a mini storage.

VARTANIAN: Yeah. Is that what it is, a mini storage area?

HIGBIE: Correct.

VARTANIAN: And we consider that ML in the County?

HIGBIE: Yeah. Well, the Development Services Division has made an interpretation that mini storage are permitted in the business park zone. The only difference between a regular mini storage and a mini storage under this is they're going to have to put windows and a little more landscaping around it and in my mind that doesn't -- that does not make a mini storage a business park. So with the industrial activity being developed to the south that we didn't feel that that area -- well, there's only one really small lot left too that would be available for business park and that in fact kind of becomes a spot zone because they're -- they would be the only one that would have the possibility of actually developing into some kind of a business park use.

VARTANIAN: Are we saying, I'm sorry, I probably nodded off there, but are you saying that the storage is going to be a storage really would belong in ML normally?

HIGBIE: In my opinion, yes. In my opinion I don't -- business park is not a zone that was intended to be used for land intensive uses such as mini storage or outside storage or that sort of thing but --

ALLEN: And of course you would not want windows in a storage unit?

HIGBIE: That's correct. Is that it for Map Number 1? Map Number 2 there is as you can see a great deal of that land was rezoned from ML to BP back in 2004 and we're recommending that most of it go back to light industrial. There are several reasons for that. The first reason is is that most of the land south of 119th which runs east/west through the northern end of that area is the only major road that comes in contact with much of that land and therefore most of the land is not visible from a major arterial. That land also if you look at the aerial photos and so forth shows a lot of the land is already developed in small scattered industrial uses and the Board of Commissioners also has indicated that they want to maximize the opportunities adjacent to the Chelatchie Railroad which runs through the property for to increase the possibility of economic growth that could use that rail and business park would not be a zone that would generate that kind of uses. And so due to the lack of access, the scattering of existing industrial uses and the existence of the railroad, we felt that most of that land should go back to ML.

The property on the north end of the map which we're recommending remain business park, the large parcel abutting 503, or St. Johns Road, excuse me, is a church and a church is a conditional use permit in the industrial zone, it does not permit, or excuse me, in the business park zone, it is not permitted in ML, and so keeping it in the business park zone is something that the landowner wants to pursue. We had not heard from the property owner immediately to the north, he did receive notice, but we're recommending because of its being adjacent to this large business park that it also remain business park because it would then -- it would -- otherwise it would be a spot zone of ML.

BARCA: So the colors represent staff recommendation?

HIGBIE: Correct.

BARCA: And you have little labels that you've utilized, I'm confused by seeing BP in the light blue area.

HIGBIE: That's what it is now.

BARCA: That's what it is now.

HIGBIE: So it is now and we're recommending that it go to ML.

BARCA: So does that represent only the places that have BP within the lot, is that what is being represented as changing?

HIGBIE: Yes.

BARCA: So there's four distinct parcels that you're recommending a change on?

HIGBIE: Well, this very large area here would all go back to business park, or excuse me, to light industrial. This area down here, these pieces here would go to --

BARCA: We can't see as you point that out because it's off the screen.

HIGBIE: Oh, I'm sorry. This property would go back to ML and this one and this one and all of this land in here.

BARCA: And so then down at the bottom where you show the properties reverting to ML there's a couple of lots that are white, are we to assume that they were ML and remain ML?

HIGBIE: They will remain ML and remain ML.

DELEISSEGUES: A question: What's the major difference in the allowed use that made it go to BP in the first place and then made you reconsider that to go back to ML? What uses were at risk?

HIGBIE: The ones that are clearest in my mind where in this it's actually called a business park but most of the property is being developed as warehousing and industrial uses that are not permitted in business, in the business park zone but were already approved for those industrial uses under ML.

DELEISSEGUES: Thanks. Any other questions on this map?

HIGBIE: This is at St. Johns and 78th. If anything this is a better example of land that has a scattering of industrial uses already and in fact although it isn't industrial, it points out one of the problems, major problems, we had, this entire area right here --

AUDIENCE: Can you raise it up a little, Bob. Thank you.

HIGBIE: This entire area right here had been sold by the school district and there was an industrial site plan that was in the works while we were reviewing the -- actually going out and looking at the land uses, so that is already committed. And there's a lot of small scattering of large truck parking areas, small shops, industrial shops, assemblies and that sort of thing just, you know, individual owners, small, small businesses scattered throughout there. And also with the only major street being St. Johns and Padden, all this land down here with the exception of this piece and this piece have no visibility or access to a major street. This particular owner has requested business park and the Board identified that as business park under an emergency ordinance earlier it would be last year. So all the business park land we're recommending south of -- well, with the exception of that one ownership go back to ML.

DELEISSEGUES: What were you trying to accomplish by going to so much business park?

HIGBIE: Well, the answer is we didn't, we didn't look at business, business park was zoned business park because it was tertiary industrial land and the amount just -- the amount of land that we were identified on that map had was simply a result of that inventory process that the computer generated. That was really the first step of what should have been several steps, but because it basically got caught in the vortex of the final stages of the planning process where we were looking at the entire county plan that it just slipped off the table and we missed it, so that's why we're really back here is to take another harder look at what was zoned business park to see if it meets the criteria.

And the last map, this one is the most straightforward and you may have read about it in your local newspaper, all the land that you see that's colored is south of Mill Plain and is in an area that the City of Vancouver has acquired petitions and so forth --

DELEISSEGUES: No, Fourth Plain.

HIGBIE: Fourth Plain, I'm sorry, south of Fourth Plain, that they acquired all the signatures necessary for annexation and this was the area, the first area where all of that other activity that's been in the papers recently actually originated from, but all this area, it can be legitimately annexed without any further actions from the County or the City or anyone else because it -- because of the all those petitions that they have and the City of Vancouver does not have a business park zone. So just on its face, if it's annexed to the City, and it can be at any time the City so chooses, all that land would revert to the City's version of industrial zoning anyway.

DELEISSEGUES: Excuse me, does the City allow the same uses in their light industrial zone as we would in business park? I mean is there some --

HIGBIE: I don't, I don't know. I know that -- I doubt very much if it allows the range of offices that the business park zone that we have does, I think it's more oriented towards the manufacturing and the storage and that sort of thing. And the reason I say that is because prior to all the changes that we made to the industrial land, industrial zone, within the last ten years, both these, the County's and the City, industrial zones were basically developed at the same time by the same people so it's very likely they are -- they were very similar.

DELEISSEGUES: If they acquire some of the BP zoned land from the County would they then go to commercial?

HIGBIE: No, I don't think so.

DELEISSEGUES: Office park or something?

HIGBIE: I think they would, they would tend to go with industrial as well. That's all I really have on the rezoning effort, I do have several other comments that I'd like to bring to you from the Board.

When the Board held their workshop last week there were two members of the Board present and there was some discussion about what are the differences between business park and light industrial and what are the, and what are the reasons for the differences between business park and light industrial and of course we didn't go through -- it was a workshop and we didn't go through an extensive discussion of the

various uses and the various zones, but the Board did appear to be to want to revisit the differences between the zones and they asked us to come to the Planning Commission and ask if you would be interested in pursuing a project to look at business park and light industrial and take another look at the zone, the uses within those two zones to see if there's some additional flexibility that we could build in perhaps to allow some additional industrial uses in the business park zone that may not cause a great deal of compatibility problems with adjacent land or provide some additional protections of those for those uses so that they wouldn't be compatible or incompatible with adjacent land uses.

They also thought we could look at buffering between various land uses or increasing the buffering requirements between business park and residential or light industrial with residential based on the types of uses and again to look at the allowed uses to see if there's any possibility of allowing more industrial uses in the business park zone. And if you do feel like that is a project worth pursuing, we would return to you with a draft work plan that you could look at and when we work through that to an agreement, then we can take that work program back to the Board of Commissioners. So in conclusion we're, you know, we have the staff report with the maps and we're recommending the changes that I've talked about and I'd like to have you kind of talk about these points about further project.

DELEISSEGUES: Questions?

ALLEN: There are no buffering standards currently?

HIGBIE: Oh, yes. Yes. Well, particularly --

ALLEN: And this particular project would propose to do some more research on buffering?

HIGBIE: Yeah. Well, yeah. I guess one of the ideas is that perhaps you could take some of the industrial uses that are not currently allowed in business park, that may have some additional impacts that would make it inappropriate now to put into a business park zone, but maybe you could require additional protections, additional buffering, additional landscaping on those particular uses and maybe make them conditional uses so that you could make that use compatible where it currently -- under current standards it wouldn't be. That's one of the ideas.

BARCA: So, Bob, I'm not quite understanding the specifics of what was bothering the Commissioners. Is there a public outcry or complaint on the application other than the fact that we did perhaps not do enough homework as a County agency on when we made some of these zoning changes, but the distinction between the two land use designations, is there a public perception that they need further refinement?

HIGBIE: I believe that during the course of this process there were people that or are people within those districts that have the idea or have projects in mind that anticipate having more uses than currently are permitted in the business park zone that they can't do now because of the limitations of the uses in the business park zone. Whether -- I don't, I don't believe there's an outcry, but I believe that there was at least some comments made to the Board that brought this issue to the surface.

MOSS: Bob, I'm glad the Board has given us the opportunity to talk about this and I think that we should. I'd rather hear the testimony before we really get into that kind of a discussion, but I did have a couple of questions here on the revised memorandum that you've put out here that explains, that kind of adds to the criteria for the industrial land designation, and I don't know whether there's going to be a better opportunity to ask this, but I've read through the additions and I'm seriously confused now.

And that is, it seems like the original version of this was pretty all-encompassing and now what we've done is with these revisions we've ruled out certain lands that no longer fit into these categories by, and I can give you some examples of that, but I would point out that the most glaring example is the bottom line here that says "minimum parcel size 5,000-square feet but not less than five acres."

HIGBIE: I think that ties in with -- I guess the intention here is to accurately reflect what the computer used to determine what is or isn't tertiary.

MOSS: My point, Bob, is that 5,000-square feet is less than five acres.

HIGBIE: You're correct, it is.

ALLEN: Maybe they meant to say not more.

MOSS: The other problem that I have with these changes --

VARTANIAN: That's a discussion that you and I had.

MOSS: -- is that you can see that certain lands have been ruled out entirely, that for example critical lands less than 50 percent under secondary industrial land, that used to be the criteria but now it's less than 50 percent and more than 10 percent of the parcel, minimum parcel size is five acres but less than ten acres, well, if you have critical land less than 50 percent but you have a parcel size that's over ten acres, it doesn't fit into any of these criteria anymore and I'm wondering, could the computer have actually done that?

HIGBIE: No, it couldn't. I -- let me take this back, it's not a big issue, the computer's already done what it's done.

MOSS: No, it isn't.

HIGBIE: But you're right --

MOSS: I really would like to find out what --

HIGBIE: -- it is confusing.

MOSS: -- the computer used for criteria though.

HIGBIE: Yes.

MOSS: Okay. Thanks. I didn't mean to make a big point out of that, you know, this is --

HIGBIE: Well, it's --

MOSS: I think the staff work here has generally been very commendable and I don't want to imply that it's been other than that.

HIGBIE: Thanks.

MOSS: Thanks.

DELEISSEGUES: Bob, I had a question on the Map Number 2 of owner requests. There's a piece of land that was apparently requested for residential, I just wondered what the staff recommendation on that was?

HIGBIE: There were a number -- not a lot but I think there were at least three or maybe four requests along the way that asked for something other than ML or BP that none, none of those kinds of requests have ever been on the table, this was an issue of whether or not the land that was zoned business park should have been rezoned from -- should have been rezoned from ML to business park.

DELEISSEGUES: Okay. So this, if they wanted to pursue this, they'd come in on annual review for them?

HIGBIE: Yeah, either as an annual review or a docket or some other process, but this one we're talking about zone changes here, those kind of activities would also require plan amendments, these don't, so.

DELEISSEGUES: Any other questions?

VARTANIAN: Of course I have a few. Of course. It sounds like we decide on whether something's BP or ML to some degree depending on how much of the land is usable, is that, and is my observation correct? Because I guess my point like Lonnie's example of 50 percent vacant, I'm sorry, 50 percent critical lands ten acres, you can certainly put just about anything on the five acres if it fits, I would think unless I'm misunderstanding, which is highly likely, I would prefer to zone something based on the activity that's going to take place or the activity we would like to take place on it rather than how much of the land is in fact usable assuming it doesn't mess up aquifers and wetlands and whatever else out there.

HIGBIE: All of the land that we're talking about here is significantly affected by wetlands and all things being equal we would -- this criteria would be more biased to keep it business park with the high amount of wetland on it than it would be to zone it as industrial because business park kinds of activities can work around the wetlands better than an industrial development.

VARTANIAN: Yeah.

HIGBIE: So I guess given the fact that we were looking at the business park land that was zoned that way, I guess that's my answer that --

VARTANIAN: Well, I guess that may be something if the Board decides, the Commission decides to go ahead with this project that's probably a better place to discuss that if in fact it decided to go ahead with that.

A question on the process: Have we covered everybody's requirements, not covered everybody's, but there are probably some people out there who have already started a process of application or have applications in, have we accommodated those folks so that they don't get caught in this?

HIGBIE: Well, the answer is yes to my knowledge. But like I pointed out as late as a week or so ago, this individual pointed out that there was an application in the system that we were not aware of and so it's possible there's something out there that we're not aware of.

VARTANIAN: Okay. I guess I'm saying, then, all those that we are aware of --

HIGBIE: Yes.

VARTANIAN: -- we've pretty much accommodated? Okay.

DELEISSEGUES: Any other questions of staff?

MOSS: Not at this time. Don't go away though.

DELEISSEGUES: Questions? Okay. Thanks, Bob. Okay. At this time we'll open it to public comment and we have a sign-up sheet. I'd ask anybody that wanted to testify to come up to the podium, use the microphone, state your name and address, and we'll start with Thomas Platfoot.

### **PUBLIC TESTIMONY**

PLATFOOT: Hello, my name is Thomas Platfoot. Address 14508 NE 20th Avenue, Suite 202, Vancouver, Washington 98686. I'm here as we did back in May of 2005 requested to stay BP and not be reverted back to ML and the staff recommends now that we retain that BP as we're on two major arterials and so we wish to stay within the BP zone on Parcel 144527-000.

ALLEN: Bob, could you put the map up there so we could see it.

HIGBIE: Well, okay.

ALLEN: Thank you.

MOSS: Map 1?

PLATFOOT: Wrong map. Map 3.

MOSS: 3.

HIGBIE: I believe that's the parcel.

MOSS: I don't think it's 3, is it?

DELEISSEGUES: Is that the parcel?

PLATFOOT: Yes.

VARTANIAN: And you want to keep it as BP?

PLATFOOT: And we want to retain it as BP. But I also just would like to make one short statement. As Bob has mentioned there's been some misunderstandings between BP zoning uses and ML uses and they somewhat it's either right or left, you know, black or white, there's no middle ground, and I think as a whole



the Planning Commission needs to look at a more variable and compatible and similar uses within the BP zone that are adjacent or abutting ML properties. So that's -- I know that issue still needs to be worked further on and when we continue this work, that work. Thank you.

DELEISSEGUES: Is there any questions of --

BARCA: Can I get a clarification on your last statement, please. Are you actually asking for just compatibility between the two zonings or a certain amount of overlap?

PLATFOOT: No. There's really -- there is no overlap and there should be a little bit more overlap.

BARCA: Okay. So you are asking that there is some overlap to allow for transition between the two zones?

PLATFOOT: Yeah, exactly. They should be a little bit. They -- now you've got black and white, they need to be more gray, more compatible with each other seeing that they are adjacent and abutting each other. Some are more legal, BP is more legal offices, doctors, you know, things like that, professional offices, where BP is light warehousing.

And then another thing that surprised me there's office campus zoning that's not being discussed here, but it's OC and in the purpose paragraph up before the permitted uses are listed in the NAICS listed uses, it says wholesale trade is allowed in the office campus zoning, but yet wholesale trade was deleted from the business park zoning. A question mark, I don't understand it. So I would think wholesale trade would be more compatible to business park and ML than it would be to office campus. So I think things like that are being worked out and we'll work with the County to get clarity on those things.

DELEISSEGUES: Any other questions?

ALLEN: I have a quick question. You were talking about transition zone versus MP (sic) BP, being integrated into this one particular --

PLATFOOT: Well, I'm not saying come up with a ML/BP zone combo, it's just that there are some uses that are listed, not all of them, just a few that need to overlap a little bit better than they do now on these.

VARTANIAN: You're saying maybe -- if I hear you right you're saying basically like if we have a warehousing area or if we have a storage, that it could possibly not necessarily this particular example but it could occur in BP and ML both?

PLATFOOT: Well, let's for the case --

VARTANIAN: Maybe that's not the right example but --

PLATFOOT: A case in point would be a building that has office in the front and light warehouse in the back for limited light manufacturing or storage with a roll-up door, now that's permitted limited light manufacturing in BP, but yet if you use the word "warehouse" it's not allowed, but in ML if you use the word "storage" in BP it's allowed, but if you use the word "warehouse" in ML it's allowed, and if you look in the dictionary under "warehouse" the definition is storage and the definition of "storage" is warehouse, so that's where I'm coming from.

VARTANIAN: I got you.

MOSS: Mr. Platfoot, you said you weren't suggesting a combined zone here, that's something that I've given some thought to, can you on your parcel, what if you were allowed all of the uses in either ML or BP, what would be the --

PLATFOOT: If you give us both, we'll take it in a heartbeat.

MOSS: Okay. Thank you.

DELEISSEGUES: Any other questions of Mr. Platfoot? Okay. Thank you.

PLATFOOT: Thank you.

DELEISSEGUES: Larry Nelson.

NELSON: Tom pretty much handled everything that I had to say so I'll pass.

DELEISSEGUES: Okay. Tonette or Dick Lewis. It's a and/or.

LEWIS: Well, we have torture for you, they told me to bring ten copies.

MOSS: Oh, great.

RUPLEY: It's because we each want two.

LEWIS: Oh, I see. Good luck, I put them together, that may be a problem.

MS. LEWIS: Yes. I am Tonette Lewis. My address is 11410 NE 95th, Vancouver. And --

DELEISSEGUES: I wonder if you could adjust that microphone so we can hear a little better.

MS. LEWIS: Well, I didn't plan on speaking.

LEWIS: I'll speak then.

MS. LEWIS: Thank you.

LEWIS: My name is John Lewis. I'm at 2314 NW 32nd Circle, Camas, Washington. We essentially own a piece of property that we've had some discussion about that has the mini storage and in that specific instance my folks, my brother and I own that piece of property, we didn't know in June there was an emergency allowance to change that back to ML zoning, we had no idea that it was happening, we didn't receive notification or we would have done that because as you mentioned it made more sense to have it the other way.

The issue primarily is with us is the 50 percent windows that are would have to face 10th Street and you're not allowed to put up a barrier of any kind in front of those windows and if you look at Page 2 of the

paperwork that I handed you, 16 of the 26 storage doors at that point would have to have windows. And I don't know if you've driven by your neighbors garage lately, but you don't want to see what's in there every day, just my opinion. Anyway, further, if you fall back it does change the setbacks a little bit, but frankly it won't change our buildings much, it won't change our landscaping much, we're planning on doing the same thing, it will be a nice project.

If you follow back another page it talks about the actual office and the apartment. Again back to the windows issue, if you put windows in the bathroom that pretty much overtake the wall, windows in the closet, things like that, it's not recommended and we're just trying to move around it.

The next picture then Page 5 is an actual picture of the building and it will look roughly the same even without so many windows. We believe that the project can move forward either way, it just we were recommended by the planner Alan Boguslawski that just send in a letter last Summer, he said it was no big deal, just send a letter, they'll switch it back to what it was and, you know, no problem, and it's been a couple of days since then and it's become more of an issue at this point and we believe that it's that the properties adjacent if you follow back to the, the page which would be Page 7 is actually the property that sits to the south which is owned by Mr. Tapani, that property was given the ML zoning which is consistent with the property that sits to the west and the property to the east of us is I-5 and the closest zoning is R-18 across the freeway, pretty much everything else in that area is ML except this one small piece and in which we're just trying to get it back to that because we believe it's -- it makes the most sense so.

DELEISSEGUES: Just for clarification, where the pen is pointing on the map is that the parcel you're talking about?

LEWIS: That's Mr., that's Mr. Tapani's property and that's adjacent to ours. If you look at the very back page here I have a similar picture to what he has and it's circled with a big black marker, I don't have pretty colors like Mr. Higbie but, you know, I'm trying.

DELEISSEGUES: I was under the understanding that that was ML.

LEWIS: It was and they changed it.

DELEISSEGUES: It is now.

LEWIS: And they -- no. It's been -- it still is?

HIGBIE: It's zoned ML but they have a project that is vested under the old ML zone which is why we're recommending that it go to ML.

DELEISSEGUES: Yeah.

RUPLEY: So you're fine.

DELEISSEGUES: And that's what you want is ML?

LEWIS: Correct.

RUPLEY: Yes. So you're getting what you want.

LEWIS: We're hoping to get what we want.

DELEISSEGUES: Okay. That's what I wanted to know.

LEWIS: Thank you.

DELEISSEGUES: Thank you.

MS. LEWIS: Thank you for your time.

LEWIS: Do you have any more questions?

DELEISSEGUES: Any other questions of Mr. Lewis?

VARTANIAN: No. Thank you.

LEWIS: Thank you.

DELEISSEGUES: Scott Clausen.

CLAUSEN: Hello, my name is Scott P. Clausen, Sr. My address is 4906 NE 68th Street, 98661, and my parcel is on map, Mr. Higbie, would you put up Map 3, right at the very bottom right-hand corner there, exactly, there's seven lots there, there's mine. They're -- I bought it, originally it was zoned ML, it was my retirement. Approximately two years ago I put it up for sale, had a buyer right after my mother passed away, her and I both purchased the property, I was informed by the County that I couldn't legally sell my property. Since it had been rezoned from ML to BP I was told I legally could not sell my property. I have approximately two and a half acres there. I went through everybody I could in the County and everything and I believe Mr. Higbie here suggested over the phone, I talked to him, that I buy out my neighbors so that I could get ten acres because at that time BP was for ten acres, the zoning for it, and I was zoned for ten acres and I own two and a half.

I lost the sale of my property. I have yet had any offers. I'm ready to retire. This has cost me one heart attack already. I'd like to have my zoning back so I can sell my property and retire and I would like to know what is going to come of this because at this point unless something is permanent to where I get my ML zoning back, I have a useless piece of property. And as Mr. Lowry said originally in an interoffice memorandum that it would cost to regulatory taking of my property since I only have two and a half acres and at that time I needed ten acres. So I'd like to get this straightened out so I can retire. And I've talked to Mr. Moss in the past and I, I think he understands what I mean. I need to get my zoning back. The sale cost Clark County approximately about 32 family wage paying jobs because the company I -- the guy I was going to sell it to was going to bring in his company over here from Gresham, Oregon and hire new people because he was expanding. So for two years I've been sitting on my property paying taxes on it and my taxes have just doubled this year and I've had to take a mortgage out on it. I'd like to be able to sell my property as ML exactly the way I purchased it and all I'm asking is to have back what I had.

DELEISSEGUES: Just for clarification, Bob, it is recommended for ML?

HIGBIE: Yes. And I actually think it's probably zoned ML right now --

CLAUSEN: Well, then during the emergency ordinance --

HIGBIE: -- during the emergency ordinance.

CLAUSEN: -- and if it's not put in for permanent, then I go back to BP.

HIGBIE: That's correct.

DELEISSEGUES: Any other questions of Mr. Clausen? Okay. Thank you very much.

CLAUSEN: Thank you.

MOSS: Thanks.

DELEISSEGUES: Brian or Rudy Lies.

LIES: I'm on Map 1. My name is Brian Lies. I live at 15514 NW 2nd Avenue, about a quarter of a mile from where this site is. My brother and I own six parcels there and I agree with staff that we should send it back to ML which is the top blue ones. If you could point, no, down lower, the next, right, the next one up, right there, all those across and then one and the next row down. I think the biggest thing that they're missing here is that BP requires some kind of services, roads, things like that, to be able to do that and we don't have that there. I think the injustice that you guys have is you can't see the property, you just see a map with a flat blue picture and there's a warehouse there and there's a guy that does mechanical work and some outside storage which would all be -- it would all be nonconforming use and it would all be illegal at that point.

And so I think the staff has done a good job at turning it back to ML, I think that's what we need to do. We didn't know that it got turned over to BP for quite a while and we were able to write a letter I think it was back in, I don't know, a while back that we could say, you know, what we wanted and what we could see, but in '97 they did have it office campus and the staff turned it to ML at that time because of the services, but the services are really limited. We don't have sewer there and it's not supposed to be there for a while. We have like I said a warehouse and different things like that there that would be nonconforming.

So I think that's the two biggest things, we just don't have the services to support BP and we do not have the everything, everybody would be nonconforming, so between those two items it would just throw us right down the toilet, although I am concerned about the lot sizes and I don't know if that has to do with ML or just the BP listing. And I guess that's all I have to say. I do support the staff's recommendation to turn that piece back.

DELEISSEGUES: Any questions of Mr. Lies? Okay. Thank you.

LIES: Okay. Thanks.

DELEISSEGUES: That completes the sign-up list. Does anyone else in the audience wish to testify on this issue? Okay. Seeing none, we'll return it to the Planning Commission.

## **RETURN TO PLANNING COMMISSION**

DELEISSEGUES: Discussion? You might want to discuss Bob's suggestion that came from the County Commissioners about getting together on looking at this in more depth.

VARTANIAN: I would definitely agree with that. I think there's a number of instances where the language or there are some things that we have considered one that could easily be both or maybe even something else entirely. And not to complicate the issue, but maybe even to open up the zoning to include things like distribution centers and other things that we don't even have zoning for, you know, terminology that we don't have zoning for. Not that that's necessary, but I mean warehouses and distribution centers, I'm not sure I would consider those either BP or ML, I would consider them distribution zones, warehouse zones, storage zones.

MOSS: I think --

VARTANIAN: But I agree that I think some work needs to be done to look at the zoning.

MOSS: I'm going to say at the outset that I think staff and the consultant that worked on this did a commendable job of responding to the charge that they were given and I want to say that at the outset because I really am going to suggest that I think that we've got a situation here that's of our own creation in the county where we've made things just unnecessarily complicated by insisting on having too many different zones. We've had quite a bit of testimony tonight that I think bears that out and I've certainly had enough experience in development in these zones to have my own opinions about this and I'll not only in some of the projects that I've done but I think I've been a tenant for -- was a tenant for quite a while in the East Ridge Business Park which I think is probably one of the most successful business park enterprises in the county, it's one that's been in existence for quite a long time, and encompasses about 90 acres total. It's not completely built out at this point even, but it's kind of an interesting situation in that it was a business park before there was even a business park zone and it's actually today I believe still in light industrial zoning and it was developed under a developer's agreement.

The reason that I -- one of the reasons that I bring that up is that I think that if you would visit that you would find that there's a mix of uses here that span the full spectrum of both the business park and the light industrial and to some degrees commercial zone. I was in there in an office setting with my engineering company and not very far away there's true light industrial going on there, there's light manufacturing, there's assembly, there's warehousing, there's a whole plethora of uses that in fact are really much more compatible than we suggest in the language of our code. I think that they're -- we've gone too far in refining our code particularly in this business park zone. I think it was the intent was a noble one, I think all of us agree that we want to attract good high paying jobs to this county and really that was the intent of the business park zone. As it says in the staff report that we wanted to attract some of those higher paying office professional type jobs.

I would suggest that we'd probably be better off in this particular case rather than changing all of this business park to light industrial to give it both designations. I mean that's kind of an odd response I'm sure and one that maybe staff hasn't expected us to recommend, but frankly I think having to choose between the two is a mistake, you know, both of these have the capability of generating good development that produces high paying jobs, I don't see why we have to have this kind of choice between them. We've already decided that most of these are suitable for either use really and it seems to me that we're drawing some kind of artificial constraints in deciding this one ought to be business park, this one ought to be light

manufacturing. This is further complicated and I think it was Mr. Platfoot who pointed out that we also have an office campus zone which is just another I guess complicating factor here. It seems to me that if we're going to take a look at anything, we ought to take a look at simplification of the zoning that we have with an eye toward what is it that zoning is for, what are we trying to produce here, and does our action here really accomplish that end.

DELEISSEGUES: Any other comments?

VARTANIAN: Agreed.

DELEISSEGUES: Any other comments?

BARCA: I have a question for Bob. In our vacant buildable lands analysis we assign different values between the two zonings for job creation, do we not?

HIGBIE: Yeah, when we -- yeah, when we did our -- when we assumed how many jobs per acre, we assumed I believe it was 9 jobs per acre under light industrial and 21 or 22 jobs per acre for business park.

BARCA: Okay. So with the land being moved out of the business park inventory to the light industrial, we'll have on paper a smaller target of available jobs in the vacant buildable lands as a result of that. That's not really --

HIGBIE: Or looking at it another way an increased need for additional light industrial land.

BARCA: To try and fill the jobs quota that we have set for ourselves?

HIGBIE: Correct.

BARCA: Right.

RUPLEY: Take that to the next step that you had just talked about in terms of dual zoning, what would we do, then, with jobs per acre?

VARTANIAN: Average them.

RUPLEY: Average.

MOSS: Well, you give your -- in this case you'd give yourself a chance of attracting some development in the business park category that would produce more jobs per acre. If we change the zoning to ML, we would on paper at least end up with less jobs. The thing that I think that we need to keep in mind is that much of this business park designation was because this is secondary or tertiary industrial land and we thought that or staff thought, and I think all of us had some involvement in that, that it might be more amenable to development under business park.

I guess what I'm suggesting here is that we don't have to throw out either one of those, I'd like to attract jobs to this difficult to develop land no matter whether it's business park or light industrial. I'm not suggesting that every piece of light industrial in the county also receive a, or excuse me, every business park in the county also receive light industrial designation, but certainly development of light industrial into

a business park is not incompatible. We have as a matter of fact several developments in this county on light industrial that I don't intend for this to sound harsh but kind of masquerade as light industrial in that they really are more office intensive uses anyway. And I don't object to that, I think that's good, we created the kind of jobs that we wanted and if people are marginally conforming to the rules and creating jobs, that's great. I think maybe we ought to open the rules though.

RUPLEY: So you know where I work.

VARTANIAN: I would tend to agree. I mean I think that we've just cut this thing into too many pieces and you just -- as soon as you say something's going to be ML it immediately in people's minds exclude things that could work in that particular area and vice-a-versa. I mean there are a lot of businesses that are both quite frankly -- I mean you can have, I don't know, pick something, small appliance assembly easily, here it's probably ML but it could very easily be if it's a clean enough operation in BP. So I mean it's not that you don't have to be that exclusionary or so micromanaging of zones that, you know, you exclude certain things that could happen and the market's going to dictate the best use of the land anyway in theory.

BARCA: So, Bob --

MOSS: Can I -- go ahead.

BARCA: I'm sorry. Bob, when we go back to the flowchart that we looked at for applying market criteria from our September 2005 activity there's distinctions made between large parcel, small parcel applications. What does our zoning say at this point in time as far as parcel size that differentiates business park from light industrial?

HIGBIE: Well, I can look up the zone in a minute, but I can tell you that when we were looking at the parcel sizes when we were making our recommendations, one parcel does not -- you don't zone unless it's a 20-acre parcel or a significantly large parcel that you don't find very often in the urban area anymore, a five-acre piece in and of itself shouldn't be zoned a zone, I mean it's not big enough to be an area where you would want a unique set of uses to be located. So we were looking for areas that would be appropriate for a given zone and that's not -- that's true not just for business park and industrial but for any other, you know, residential, multi-family and that sort of thing. But give me a minute here and I'll look up the zones. If you had more questions just --

ALLEN: Yeah, I had a question. When you were talking about parcels I was trying to figure out if you were talking about a legal lot or if you were talking about Assessor tax parcels that you could have let's say ten different assessments on one legal lot so you would have ten different tax parcels.

HIGBIE: It's when I'm looking at a map for these kinds of purposes I'm not looking -- I don't know if they're individual ownerships or not and I certainly wouldn't know whether they were lawfully created based on a tax lot map. I guess what I'm saying is I would look at, I would look at an area of properties.

ALLEN: Of ownership by ownership.

HIGBIE: By not only lot size but groupings of parcels.

MOSS: But not by ownership because you don't know the ownership?



HIGBIE: Well, I mean you can find out the ownerships but usually it's not that fine of a cut. I mean it's -- but the zoning district for business park and office campus have relatively small lot sizes, you can get a minimum area of 20,000-square feet for a lot in office campus, 6,000-square feet for business park. We're looking at -- well, that's it I mean, so you theoretically could start out with a five-acre piece and then divide it down into lots as small as 6,000 in the business park zone.

DELEISSEGUES: It seems to me one of the differences between ML and BP is the compatibility with residential surrounding it, so if we follow Lonnie's suggestion maybe you could handle that with buffers or some sort of landscaping or something to transition I guess from light industrial use into residential rather than BP into residential. Is that something that we could consider?

HIGBIE: Well, the really big difference between business park and light industrial is the development standards, the buffering setbacks and that sort of thing.

BARCA: And landscaping.

HIGBIE: And the big -- the other big difference is the land intensive types of uses that are more or less allowed in ML and are more or less discouraged in BP, but there are certainly ways to -- that you could minimize those problems.

MOSS: Keep in mind we're talking about changing most of this from its current designation BP to ML. If we allowed the BP to stay in, that's certainly more compatible with any residential zoning that might border the property. But I guess the suggestion I'd like the Planning Commission to consider that I'm making is if we make this a dual designation, the actual development rules while they may need to be changed at some time could be applied as they exist right now; that if you had a use that was truly a light industrial use, you'd have to apply the industrial buffer standards and other development standards, whereas if somebody brought in a project that really fit the BP zone uses, then they would only have to apply those standards. My suggestion is as a temporary measure that we do at least that because otherwise it seems like we're, you know, we're throwing out the baby with the bath water, we're being forced to make a choice between two really potentially good uses of property on -- and many of these are on marginal lands that we'd like to see develop into job producing lands.

ALLEN: Unfortunately in order to do that we would have to bring it back as a new project or as a new analysis or --

MOSS: No.

HIGBIE: We haven't advertised to change anything in terms of zoning text and so I think what Lonnie's suggesting is that we would apply both zones to the same property.

MOSS: That's exactly what I'm suggesting.

VARTANIAN: And it's in their entirety? I mean you would allow all currently allowed in light industrial and BP?

MOSS: Yeah, we're talking -- most of the changes that we're talking about or virtually all of the changes that we're talking about here are changing from the BP designation to ML. I'm saying that's going to rule out potential BP developments on those properties and I suggest that's unnecessary. Why don't we go

ahead and change it to ML, go along with the staff, most of the folks here have said they prefer the ML, but let's also allow the BP designation to remain in place so it's a dual zone essentially.

VARTANIAN: Okay. Yeah. I guess my only question was if we say we're going to categorically combine BP and ML so that they're literally interchangeable, which is not what we're saying right now?

MOSS: No. No, that's not what I'm saying. No. What I'm saying is if somebody comes in with a BP use they'd follow the BP development standards; if they come in with a ML use they'd have to follow the other standards.

DELEISSEGUES: It seems we have two order of business here, one of them would be to approve the changes that staff's already recommended so we can clear that up, and then the second one would be probably an affirmative viewpoint from the Planning Commission that we would like to meet with staff and County Commissioners on taking another look at these --

MOSS: No, actually, Dick, that's not what I'm suggesting. We have the choice here of the way that this has been advertised and the way that it's being considered, we could go away from here with a recommendation for either BP or ML on either -- on any of these parcels.

DELEISSEGUES: We could?

MOSS: Yeah. What I'm suggesting is that we may well want to consider as a future project taking a good hard look at maybe combining some of these uses. My suggestion for tonight is let's recommend both BP and ML be the designation, a combined designation for each of these parcels that we're talking about changing from BP to ML, that way we don't lose the potential of developing as a BP use and we allow ML development.

ALLEN: Didn't we have a size problem with one of those?

MOSS: No longer.

BARCA: That was why I asked that question.

ALLEN: So it would be just for the remainder, not for the ones that are going to be changing today, just for the remainder?

BARCA: No.

MOSS: No. I don't think that you have a problem at all with size, do you?

DELEISSEGUES: I guess my question to Bob would be if we did recommend what Lonnie's suggesting would that -- would you be able to act fast enough to help the people out that are waiting I guess for a decision on --

HIGBIE: What I would suggest you do is two things: One is make a recommendation on the what the staff has recommended and then make a separate recommendation on what Lonnie -- if you want to, make a separate recommendation on what Lonnie is suggesting if it's legal because I've never -- that's never been something in my experience that we've done before. Even when we have an overlay zone you pick one,

you can only have one.

MOSS: I agree that's what's traditional, but I don't see anything in GMA that says that we have to pick one or the other.

VARTANIAN: I think actually the old, old mixed use zone used to completely encompass community commercial also, anything that was allowed in community commercial would have been allowed in mixed use which prompted the whole exercise.

HIGBIE: Yeah.

VARTANIAN: As far as your suggestion is concerned, Lonnie, I think philosophically I agree with you. My concern is if you had said that we will allow all, we will allow BP type development on what is currently being proposed as ML as well as ML, I would be more comfortable if you said -- I mean that as opposed to we'll just combine all of the BP and ML zones because now you've got a BP that is maybe backing up to a noncompatible use.

MOSS: No, I'm not suggesting that we broad-brush this and throughout the county and do this. I'm saying on this set of parcels that are before us for consideration changing from BP to ML if we decide that that's appropriate, my further suggestion would be that we not disallow --

VARTANIAN: Right.

MOSS: -- the BP uses on those parcels.

VARTANIAN: But I'm --

MOSS: We've already decided in the past that these parcels are appropriate for BP or that that type of development isn't a problem.

VARTANIAN: Yeah. But I mean you're not suggesting that what is on the maps right now as BP also allow ML development?

BARCA: Yes.

MOSS: I'm suggesting that what's on the maps right now as ML --

VARTANIAN: Be allowed for BP?

MOSS: -- be allowed BP.

VARTANIAN: But not that which is there today BP --

MOSS: That which is changing from BP to ML.

VARTANIAN: Okay. But not those that are already now BP and going to stay BP?

MOSS: That's correct. Yeah.

RUPLEY: So why don't you make a motion.

BARCA: I need further clarification on this before we go there. So based on what I heard Bob say is currently we have no precedent for having joint zoning in the county so we're going to potentially make a motion and vote to more or less overlay one zoning criteria on top of another designation that will be what's on the map, and that being said is that legally defensible which I heard you say is that legal or not.

And I guess the other item is is how do the landowners then become notified that they have this wider right or privilege as opposed to anybody else in the county who has ML or BP property because it seems like we're -- what we're doing is we're heading down the path of this combined uses like we're going to hoping to be discussing later, but we're giving certain people a distinct unique marketing advantage over other people in the county that may have that same zoning designation because if it's not on the map here the way that our discussion was is then it wasn't -- we weren't offering that. Am I clear on what you said in that regard or was that not your intent?

MOSS: Well, let me express my intent I guess a little more distinctly. It would be my recommendation that first we take a vote to confirm whether we think that it's appropriate to change the parcels that staff has recommended be changed from BP to ML. If we think that that's appropriate, then I would recommend that we take a vote on a second motion that these -- for these parcels which have been determined over the course of time to be appropriately designated for either BP or ML that we allow both uses on those lands.

DELEISSEGUES: Right. And just for clarification that's what I was trying to suggest earlier so.

VARTANIAN: It's only these parcels --

MOSS: Right.

VARTANIAN: -- that we're talking about tonight, not all the other ML's in the county?

MOSS: That's correct. Yeah. First, we haven't met the notice requirements and as far as the precedent about having two zonings in place at the same time, I can't envision that we're going to run into a legal problem, it's no different really than having an overlay zone for mining on a forest parcel, it's, you know, we do dual designations all the time.

VARTANIAN: Well, we've had, we've had the old -- like I said the old mixed use zone used to allow everything that was allowable in community commercial and it said that in the code.

BARCA: But that was still only one zone, it was mixed use zoning.

VARTANIAN: Oh, okay, I see. Okay. Sure. You keep saying that I'm going to get it pretty soon.

MOSS: You know, I want to make clear again that I understand how this could be a little confusing, but there are allowed uses in each of those zones, some of those overlap.

BARCA: Right.

MOSS: For the overlapping ones it seems to me the applicant ought to get his choice of which zoning

code to fall under, which development code, but for those uses that are truly ML, then you should follow the ML development ordinance; for those that are BP, you should follow that.

BARCA: So at the time --

MOSS: I don't think there's any confusion really that will be insurmountable at all in this.

BARCA: So at the time a person decides how they want to utilize their property, they come in and for all intents and purposes they declare what zoning they want to be, they want to be judged under as far as development standards?

MOSS: Well, the only time that they would have to make that choice would be if the use that they're proposing is one allowed in both, both ML and BP.

VARTANIAN: And either one.

MOSS: So it wouldn't be obvious there. Then you'd have to make a choice --

BARCA: Just a few minutes ago I actually thought I understood this but now I'm not so sure.

MOSS: Well, let me try it one more time.

BARCA: Throw out some anecdotal examples for me. Within our zoning criteria we have items here so here's a pretty straightforward one that it says manufacturing.

MOSS: Manufacturing is not a permitted use in BP.

BARCA: Okay. But the person's property is zoned ML, therefore they say I want that ML designation because I'm going to do ML work in it?

MOSS: Let me explain a little more concisely. There's a set of development ordinances that apply to ML, there's a separate set that applies to BP, so if somebody comes in with a manufacturing use that they're proposing, then the development ordinances of ML would have to apply, the buffers, the setback requirements, all that sort of thing would be taken from ML. If somebody comes in with a true business park type project that wouldn't be allowed ordinarily in ML, then the business park ordinance would apply.

BARCA: So they come in with a business park development plan but they're zoned ML on the map so they come forward to staff and say I want to change my designation to business park?

MOSS: No. No. No. The point you're missing is on these lands we'd have dual designation, it wouldn't be an ML zone only on these lands, it would be an ML slash BP.

BARCA: So if they come in and they want to put in a print shop which is allowed in both, they get to choose?

MOSS: Yeah. Why not?

BARCA: Then why wouldn't we offer this to everybody else that has ML property in the county?

MOSS: I think that may be a next step, but we can't do that certainly at this stage of the game because of the notice requirements, we're not considering all of the rest of that. The point that I would make here is that all of these lands have been determined to be appropriate for BP at some point in the past, they're currently BP. If we determine that they're also currently appropriate for an ML designation, why do we have to choose and throw out the BP. Let's let these people develop under either ordinance that they want to or either zoning that they want to.

DELEISSEGUES: And you're just saying that the rest of the land in the county may not have been evaluated that it's that interchangeable?

MOSS: That's what I'm saying. And also that that isn't under consideration, it never was on the table, and notice requirements haven't been met and nobody has come -- had the opportunity to come forward and testify either for or against that.

DELEISSEGUES: But I like your idea of two motions and that way we can -- one or the other will carry forth and if Bob wants to do more research on the second one, that doesn't delay anybody's transition from one zone to the other.

MOSS: No, I would not want to make a motion that's going to slow down the process here at all. I think --

VARTANIAN: Quick, make a motion.

DELEISSEGUES: Okay. Do we have a motion?

MOSS: Just a point of clarification, Bob, I have a question. The map that's up here right now you're actually recommending a change to that north parcel from the designation that you have?

HIGBIE: Yes. Yes.

MOSS: That should be light blue?

HIGBIE: That's correct.

MOSS: My **MOTION** is we forward on to the Board of County Commissioners with a recommendation for approval the staff report with that one correction included.

BARCA: **Second.**

VARTANIAN: Second.

DELEISSEGUES: Okay. It's been moved and seconded that the Planning Commission send on to the Board of County Commissioners a recommendation for approval of the proposed zoning from business park to light industrial as indicated on Attachments B and D and the correction that Lonnie included in his motion. Any discussion?

VARTANIAN: I think we just did that.

DELEISSEGUES: Roll call.

**ROLL CALL VOTE**

MOSS: AYE  
BARCA: AYE  
ALLEN: AYE  
VARTANIAN: AYE  
RUPLEY: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: Okay. The second motion.

MOSS: And my second **MOTION** is that we make a recommendation to the Board of County Commissioners that they consider dual zoning designation on all of these same lands; that is, to keep the existing business park designation and add it to the ML designation that we've just recommended.

VARTANIAN: I **second** that.

DELEISSEGUES: Okay. Moved and seconded. Is there any discussion on that second motion? Roll call.

**ROLL CALL VOTE**

MOSS: AYE  
BARCA: AYE  
ALLEN: NO  
VARTANIAN: AYE  
RUPLEY: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: Okay. Then that concludes the public hearing items for tonight.

**OLD BUSINESS**

None.

**NEW BUSINESS**

DELEISSEGUES: Is there any new business to come before the Planning Commission?

VARTANIAN: The suggestion that the Commissioners seem to be interested in, and quite frankly so am I, that we reopen the examination of the zoning and what's in them and how to define them, is that something that an action has to -- is there a motion intended for the Commission here or is that just, yeah, go ahead and do it, it sounds good?

MOSS: You know, I'd like to hear some discussion from the Commission members on what they think of that given what we've discussed here tonight.

RUPLEY: As the project?

MOSS: Yes. Yes. Taking a look at the zoning designations and the uses allowed within each.

DELEISSEGUES: Why don't we just start with George and work our way down the table.

VARTANIAN: Yeah, I'm definitely interested, I would like to see the County take that task on because there are an awful lot of zones that allow things that today don't make a lot of sense anymore to me and there are partitions that probably can be combined into bigger groupings that will accommodate a lot more like what we just did tonight for the ML slash mixed zone on tonight's -- I'm sorry, the BP/ML zoning that we just did for tonight for those parcels.

As far as what's currently anywhere, if we change the zoning to exclude, nothing against the farmers but I love the cereal, but barley farms, you know, they're already there, those are automatically grandfathered, but I don't know if we need to keep them in the zone to name them as a possibility in the zone because I think if we zone there is allows some sort of farming and in fact that may not be the objective going forward. If it's going to be kept in farming, fine, but if somebody wants to have more farm in an industrial area or a commercial area, I'm not sure that's serving the long-term purposes of the County's intent, which is not to say we shouldn't allow them, I'm just saying it's open and we should consider it and discuss it. So there's some areas that I'd like to see reopened and give some thought to what can we include or what can we combine and what could we not let stay in the same zone.

RUPLEY: With the growth that we've seen in the past few years and the anticipated growth that we're going to see in the next few, I think that we need to be as flexible as possible. This kind of process of what you've done tonight to rezone is costly in terms of staff time, it's costly to landowners and if we can look at those kinds of things that as we walk into the future of somewhat unknown to look at land at its best use so my answer is yes.

BARCA: I think at one time the division between business park and light industrial was taken on to try and segregate certain areas that had potentially better market appeal for one type of use over another. And I go back to our September 2005 work session and the vote we had, that analysis was strongly driven on what the market wanted to see in the context of one type of zoning over the other and I believe we tried to accommodate that at that time. What we see often, though, is within short periods of time economic forces change and demands change for the land use and the ordinances stay stagnant while the economy is changing and then the needs change, so being flexible in that regard really gives us more advantage and allows us to be nimble without having to continually alter and relook at specific types of facilities that we want to allow within the county.

As long as we're going to try and be sensitive towards existing uses and people who are already in locations, not just residential but existing business practices and uses, as to not create incompatibilities with the choices we make I think it's an admirable idea for us to do. And I -- the discussion was broached also about the aspect of office campus, you know, perhaps this is a light industrial office park zoning that we can go ahead and utilize distinct types of those functions all within the same development as to have the development itself create the buffers and not have to spend the money as much in the format of



landscaping and fencing and so forth, we could do it more with the types of uses that we utilize at property boundaries and so forth as to perhaps be an alternative way to get that buffering. So perhaps office space goes on the edge next to whatever is appropriate rather than have the light industrial on the side, but allowing both within the development of the complex.

So I think that if we are able to open this up and really take down some of the barriers that we ourselves have put in place when we look at this I think, yeah, there's grand potential. And part of the problem that I've seen in the past is you've consumed so much land with buffering and landscaping and so forth that you make some types of property economically not viable to be developed in that fashion when perhaps we could have done it with the land use itself, so I'm open to that.

ALLEN: Personally I believe that dual zoning is an administrative nightmare; however, there are some sites that could be utilized as transitional zones or in between two different zones. Dual designation, I mean that does happen but dual zoning probably will be a precedent setting case for this particular county and to me transitional zoning would be more appropriate and maybe also buffering, expanded buffering, than what we have now and versus a cart blanche broad-brush approach to dual zoning. And then also we have like Ron said, you know, we do have some particular uses that could be encouraged in those transitional areas where it's through a transitional zoning and/or just site design, but definitely this needs to be studied.

MOSS: I think I have very little left to add except for my summary argument that the one thing that I think that all of us share on this Commission up here is a desire to make us more self-sufficient in terms of the number of jobs that we have on this side of the river, I've heard all of us speak to that and I believe that we're all sincere in that. I see the zoning that we have and particularly the compartmentalization that this zoning relies upon as being really undesirable if we're serious about trying to create jobs. I want to see as much flexibility as we can while still ensuring compatibility with the adjoining uses and I'd rather err on the side of creating an administrative nightmare, although I'm confident that that won't happen, I've taken enough projects through the process that I don't see this as being an administrative problem at all. And I hope that this is precedent setting. If we truly want to develop some jobs here, we've got to do some precedent setting things to get that done.

VARTANIAN: Can I ask a question at this, like I just did, we're going to be going through a number of annual reviews, rezones, whatever we're calling them, I've not sat through those before, what are the typical -- what happens at those things? People are currently zoned ML, want to go something else, I mean how much different do they want to go? I mean do they want to go from ML to residential in general or do they want to go from ML to BP? I mean to me that many rezone requests on the heels of a GMA update or growth management update seems almost counter-productive. I mean if there's that many people unhappy with their current zoning that haven't come forward, I don't think the market can change that fast. I mean what's the nature of the rezones that we keep getting asked for? Is it -- I mean just anecdotally --

HIGBIE: We have -- well, we have -- I don't have them here.

VARTANIAN: No, just offhand.

HIGBIE: But we have all the ones that we're going to be looking at through the remainder of this year we have already and so we have that information, I just --

VARTANIAN: You just don't know what it's --

HIGBIE: I just don't have it here.

VARTANIAN: Okay. I would be interested.

HIGBIE: I mean we've got something -- there's something like 30, 15 annual reviews, about 15 dockets and we've got them all already categorized and we're starting to work on them so we can make that available to you.

VARTANIAN: Yeah, I'll call you tomorrow at 7:30 and ask you.

HIGBIE: No problem.

RUPLEY: If George could spend a few days with you to ask those questions.

DELEISSEGUES: I think the two reasons that I am familiar with is economic is usually number one driver -- George.

VARTANIAN: I'm sorry.

DELEISSEGUES: I think economics is the number one driver, and, two, is compatibility, you know, that they don't want to transition immediately from R-18 to R-1 or 2.

VARTANIAN: Oh, yeah. No. If it's all within residential it's one thing; if it's like --

DELEISSEGUES: Like what Lonnie (inaudible) --

VARTANIAN: -- combining zones we could do away with 50 percent of those.

DELEISSEGUES: -- is a better idea of what they are.

MOSS: Well, there's the annual reviews in response to your request I don't think fit any particular pattern. There are a lot of people that would like residential rather than industrial because we have a lot more demand for residential and it's easier to market. We have some relatively tough hurdles, though, in that and this county has a policy of no net loss of industrial land, so that's always a, you know, a consideration. There are many people who would like to have commercial rather than a residential because they're located in a place where residential is just undesirable. So it kind of goes from one end of the spectrum to the other.

VARTANIAN: Yeah. No, I was just thinking --

MOSS: I would hope that we wouldn't be expecting people to come forward and ask for this dual zone designation in the future. What I would suggest is that we might want to consider in further discussion whether to have staff look at the whole ML and the remainder of the BP to see if it might be appropriate to give them the same designation. I don't want to see 100 requests come forward and have to be considered individually. For one thing, that's unfair to the people to have to do that, it's a tremendous -- can be a tremendous expense to go through the annual review process and I think it's something that we

ought to do on a wholistic level.

VARTANIAN: Yeah. No, I'm just looking to see how much by combining zones or I mean revisiting the zones we can do away with some of those applications.

MOSS: I think it's worthwhile taking a look at and it may be worthwhile for us to schedule a work session just to talk about it.

HIGBIE: As a matter of fact we do have on the work program that the Board's looking at right now a project to look at the commercial zones and I mean those really haven't been looked at from an economic standpoint in decades so.

RUPLEY: Is that a dual work session we have with them?

DELEISSEGUES: Is that a dual work session, Bob?

RUPLEY: With them?

DELEISSEGUES: A dual work session?

RUPLEY: What about if we have it with them? They asked if we wanted a project, maybe they should help us define the parameters of what that might look like.

HIGBIE: I could certainly ask them.

BARCA: That's two projects.

#### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

DELEISSEGUES: Okay. Comments from members of the Planning Commission? I just have one, our Chair injured himself. So Jeff Wriston was elected Chair and we're all if he's watching on TV, which he probably is, we hope that he's back in his chair position at the next public hearing. So with that we're adjourned.

#### **ADJOURNMENT**

The hearing adjourned at 8:30 p.m. All proceedings of tonight's hearing can be viewed on the Clark County Web Page at: [http:// www.clark.wa.gov/longrangeplan/commission/06-meetings.html](http://www.clark.wa.gov/longrangeplan/commission/06-meetings.html)  
Proceedings can be also be viewed on CVTV on the following web page link:  
<http://www.cityofvancouver.us/cvtv/>

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Vice Chair

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Date

Planning Commission Minutes

Thursday, March 23, 2006

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*Minutes Transcribed by:*

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*Min 2006-03-23*